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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 CISCO SYSTEMS, INC.,

18 Plaintiff,

19 v.

20 ARISTA NETWORKS, INC.,

21 Defendant.
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Case No. 5:14-cv-05344-BLF (NC)

**DEFENDANT ARISTA NETWORKS,
INC.'S ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL IN
CONNECTION WITH ARISTA'S
MOTION TO STRIKE EXPERT
OPINIONS AND TESTIMONY OF
DR. KEVIN C. ALMEROTH**

23 Judge: Hon. Beth Labson Freeman

24 Date Filed: December 5, 2014

25 Trial Date: November 21, 2016
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Pursuant to the Northern District of California's Civil Local Rules 7-11 and 79-5(d)-(e), Defendant Arista Networks, Inc. ("Arista") respectfully submits this administrative motion to file under seal documents and information filed in connection with Arista's Motion to Strike Expert Opinions and Testimony of Dr. Kevin C. Almeroth.

Arista requests an order granting its motion to seal the following documents:

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
Arista's Motion to Strike Expert Opinions and Testimony of Dr. Kevin C. Almeroth	Highlighted portions	Cisco
Exhibit 1 to the Declaration of Ryan Wong in Support of Arista's Motion to Strike Expert Opinions and Testimony of Dr. Kevin C. Almeroth ("Wong <i>Daubert</i> Declaration") (Excerpts from the "Opening Expert Report of Kevin Almeroth Regarding Copying" dated June 3, 2016)	Entire	Cisco and Arista
Exhibit 2 to the Wong <i>Daubert</i> Declaration (Excerpts from the "Rebuttal Expert Report of Kevin Almeroth" dated June 17, 2016)	Entire	Cisco and Arista
Exhibit 3 to the Wong <i>Daubert</i> Declaration (Excerpts from the deposition transcript of Dr. Almeroth)	Entire	Cisco and Arista
Exhibit 4 to the Wong <i>Daubert</i> Declaration (Excerpt's from Cisco's Responses to Arista's Interrogatory No. 2)	Highlighted portions (Page 16, lines 4 to 24)	Cisco

Arista's Motion to Strike Expert Opinions and Testimony of Dr. Kevin C. Almeroth is a non-dispositive motion. In the context of non-dispositive motions, the materials may be sealed so long as the party seeking sealing makes a "particularized showing" under the "good cause" standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing "establish[] that the document, or portions thereof, are privileged, protectable as a trade

1 secret or otherwise entitled to protection under the law” (*i.e.*, that the document is “sealable”).
2 Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of
3 sealable material.” *Id.*

4 For the portions of the foregoing exhibits that Arista seeks to file under seal, Arista has
5 established good cause to seal those materials through the Declaration of Ryan Wong in Support of
6 Arista’s Administrative Motion to File Under Seal (“Wong Sealing Declaration”), which is being filed
7 contemporaneously herewith. Also filed concurrently with this Motion are redacted and highlighted
8 versions of the above-referenced documents indicating the specific portions of the documents that
9 Arista is submitting under seal.

10 A large portion of the material listed above is being submitted under seal pursuant to Civil
11 Local Rule 79-5(e) because Cisco designated the entire document or transcript as “Confidential”
12 or “Highly Confidential – Attorney’s Eyes Only” under the Protective Order. To the extent that
13 Arista has not sought to seal Arista-related material in the Wong Sealing Declaration, Arista takes
14 no position on whether the Cisco-designated portions of any of the foregoing documents should
15 be filed under seal. For those portions of the materials submitted under seal, Arista files this
16 administrative motion only to afford Cisco the opportunity to defend its confidentiality
17 designations as provided by Civil Local Rule 79-5(e).

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19 Dated: August 5, 2016

KEKER & VAN NEST LLP

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21 By: /s/ Ryan K. Wong
22 RYAN K. WONG

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24 Attorney for Defendant
25 ARISTA NETWORKS, INC.
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